

TOWNSHIP OF WALL
ORDINANCE NO. 46-1990
AS AMENDED

AN ORDINANCE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER II, "ADMINISTRATION", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, PERTAINING TO POLICIES OF THE TOWNSHIP OF WALL WITH RESPECT TO ADMINISTRATION OF THE TOWNSHIP, PERSONNEL POLICIES, BOARDS AND COMMISSIONS AND OTHER ADMINISTRATIVE MATTERS.

BE IT ORDAINED by the Township Committee of the Township of Wall in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter II, "Administration", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the following additions, deletions, and amendments as indicated:

A. Section 2-1.2, "Organization of Township Committee." is hereby amended to read, in full, as follows:

"The township committee shall organize annually during the first week in January, at which time it shall elect a mayor and deputy mayor from among its members. The mayor shall preside at meetings of the township committee and perform such other duties as the township committee or state law may prescribe. In the absence or disability of the mayor, the deputy mayor shall perform all of the duties and functions of the mayor."

B. Section 2-1.4a. shall be amended to read, in full, as follows:

"a. Regular Meetings. The township committee shall hold its annual organizational meeting during the first week in January. The committee shall hold regular executive meetings on the first and third Tuesdays in each month at 7:00 p.m. and on the second and fourth Wednesdays in each month at 7:30 p.m. The township committee shall hold regular

public business meetings on the second and fourth Wednesdays in each month at 8:00 p.m. The foregoing schedule of meetings may be modified by resolution adopted by the township committee at its annual organizational meeting or may be modified from time to time pursuant to law."

C. Section 2-1.4b. shall be amended to read, in full, as follows:

"b. Special Meetings. Special meetings of the township committee shall be held as the need therefor arises and shall be held in compliance with "The Open Public Meetings Act".

D. The first sentence of Section 2-1.5 shall be amended to read, in full, as follows: "All regular and special meetings of the township committee shall be open to the public, except for those portions of such meetings which the committee determines to hold in private session pursuant to the provisions of "The Open Public Meetings Act"".

E. Section 2-1.6, "Township Committee Conference." shall be amended by the addition of the following phrase at the beginning of this section: "Subject to the provisions of "The Open Public Meetings Act",".

F. Section 2-1.7 be and is hereby amended to read, in full, as follows:

"Quorum. A majority of the full membership's of the township committee shall constitute a quorum; provided, however, that no ordinance shall be adopted by the township committee without the affirmative vote of a majority of the full membership of the committee. If a quorum is not present at the appointed time for any meeting, the presiding officer or the clerk may declare the meeting adjourned."

G. Section 2-1.8 be and the same is hereby amended to read, in full, as follows:

"Roll Call Votes; Minutes. The vote upon every ordinance, and upon resolutions shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be maintained and signed by the township clerk."

H. Section 2-1.11, "Election of Vice-Chairman." be and the same is hereby deleted.

I. Section 2-2.1e. be and the same is hereby amended to read, in full, as follows:

"Removal from office. The township administrator may be removed by a two-thirds vote of the township committee. The resolution of removal shall become effective three months after its adoption by the township committee. The township committee may provide that the resolution shall have immediate effect; provided, however, that the township committee shall cause to be paid to the township administrator forthwith any unpaid balance of his salary together with all accumulated leave and other entitlements and his salary for the next three calendar months following adoption of the resolution."

J. Section 2-2.1h., pertaining to the additional responsibilities of the township administrator, shall be and is hereby amended to delete subsection 2-2.1h.1. and to substitute the following therefor:

"1. Direct the finances, the preparation of the budget and the compilation and analysis of budget costs and estimates. After the adoption of the budget, the township administrator shall be responsible for the administration and implementation of all programs contained therein."

K. Section 2.2-2, pertaining to the township auditor be and the same is hereby amended to delete the last sentence of subsection c. "Functions and Duties." and to substitute therefor the following:

"He shall also perform such duties and render such services as may from time to time be requested of him by the township administrator, the chief financial officer or the township committee."

L. Section 2-2.3c. pertaining to the functions and duties of the township attorney be and the same is hereby amended by the deletion therefrom of subsection c.10. and the substitution therefor of the following:

"Represent the township in matters in the municipal court involving violations of the land use ordinances of the township and such other ordinance violations as may be directed by the township administrator or township committee."

M. Section 2-2.3d. be and the same is hereby deleted and the following substituted therefor:

"d. Compensation. For attendance and services performed at all regular and special meetings of the township committee, the township attorney shall receive the salary provided for in the annual salary ordinance. For all other services, the township attorney shall be paid such additional fees as set forth in an agreement for legal services which shall be executed annually. Payment for all such services as actually rendered shall be made on the basis of vouchers properly executed and furnished to the township administrator."

N. Section 2-2.4 pertaining to the township engineer be and the same is hereby amended by the deletion of references to "the

township committee" in subsections c.2., c.4. and c.5., to "the township administrator."

O. Section 2-2.4d. pertaining to the compensation of the township engineer shall be amended to revise the last phrase thereof to read as follows: "and set forth on vouchers properly executed and furnished to the township administrator."

P. Section 2-2.5d. pertaining to the compensation of the township planner shall be amended to revise the last phrase thereof to read as follows: "and set forth on vouchers properly executed and furnished to the township administrator."

Q. Section 2-2.6c. pertaining to the township prosecutor shall be amended to read, in full, as follows:

"c. Functions and Duties. The township prosecutor shall conduct prosecutions for crimes and offenses cognizable by the municipal court of the township of Wall, except such crimes and offenses as it may be the duty of the county prosecutor or the attorney general of the State of New Jersey to prosecute, and except for violations of the township's land use ordinances and other ordinance violations as may have been assigned to the township attorney to prosecute pursuant to Section 2-2.3. The township prosecutor shall also handle all appeals from adverse decisions of the municipal court, when either required by law or authorized by the township committee or required by the rules of the Supreme Court of the State of New Jersey."

R. Section 2-2.6d. pertaining to the compensation of the township prosecutor shall be amended to read, in full, as follows:

"d. Compensation. For the performance of the services prescribed herein, the township prosecutor shall be paid such fees as may be deemed reasonable and proper by the township committee for services actually rendered and

set forth on vouchers properly executed and furnished to the township administrator."

S. Section 2-2.7. pertaining to the municipal court be and is hereby amended to delete subsections e. "Clerk.", f. "Violations bureau" and g. "Compensation." and to substitute therefor the following:

"e. Clerk. The municipal court shall have a clerk to carry out the necessary clerical functions of the municipal court and its violations bureau, who shall serve under the direction of the municipal judge. There shall be such assistants who shall be termed deputy clerks as may be determined to be required by the township committee. The clerk and deputy clerks shall accept appearances, waivers of trial, pleas of guilty and payments of fines and costs in nonindictable offenses subject to the limitations prescribed by the rules of court. The municipal court clerk may obtain tenure during good behavior, as prescribed in N.J.S.A. 2A:8-13.3.

g. Compensation. The salaries of the municipal judge, court clerk and deputy clerks shall be established by the annual salary ordinance."

T. Section 2-2.8a. pertaining to the township physician shall be amended to delete all references therein to "the township committee" and "the township clerk" and to substitute therefor the "township administrator."

U. Section 2-2.9., "Temporary Appointments.", be and the same is hereby amended and supplemented to read, in full, as follows:

"2-2.9 Temporary Appointments." Whenever any officer or employee of the township is temporarily absent, disabled or disqualified, the township administrator may designate some person to act in place of any such officer or employee during his temporary absence,

disability or disqualification."

V. Section 2-2.10 pertaining to the code enforcement officer of the township be and the same is hereby amended to delete subsections 2-2.10c.2. and 2-2.10c.3. and to substitute therefor the following:

"2. The code enforcement officer shall be responsible for the enforcement of the regulatory ordinances of the township including, but not limited to land use and zoning, and shall make such inspections of property and perform such investigations as may be necessary for the enforcement thereof. The code enforcement officer shall be authorized to enter upon all property within the township at reasonable hours and under reasonable conditions in order to perform such functions. The code enforcement officer shall have the authority to issue a summons in the name of the township for a violation of any ordinance pertaining to land use, zoning or other regulatory ordinances and shall testify on behalf of the township in litigated matters as requested by the township administrator.

3. The code enforcement officer shall annually conduct measurements and inspections of all premises licensed for the sale or consumption of alcoholic beverages within the township and shall report his or her findings to the township administrator on or before May 15 for use in determining the permitted maximum occupancy of each such license premises."

Section 2. Chapter II, "Administration", Section 2-4, "Personnel Policies", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the following additions, deletions and modifications:

A. Section 2-4.2, "General Personnel Policy", be and is hereby amended to delete therefrom subsection 2-4.2a. and to substitute therefor the following:

"a. To seek and to obtain for each position to be filled the highest and best qualified person available, and to employ individuals without regard to race, color, creed, national origin, sex, age, or religious or sexual preference."

B. Section 2-4.3a. be and the same is hereby amended to read, in full, as follows:

"a. Creation of new positions. The township committee shall formally effect the creation for any new position and authorize the filling of any such position, prior to any employment or engagement of any employee, either by establishing the position in the annual budget and salary ordinance or by action taken at any regular meeting of the township committee. There shall be provided in the current budget or otherwise specific and adequate funds to compensate an employee before his or her engagement. This provision shall not, however, prevent the temporary hiring of any employee between township committee meetings, subject to approval at the next regular township committee meeting."

C. Section 2-4.3b. be and the same is hereby amended to read, in full, as follows:

"b. Filling vacancy open six months. The township administrator shall examine the need for the hiring of an employee or the filling of a vacancy which has existed for over six months in any previously authorized or established full time position and shall report to the township committee before any action is initiated to fill the same."

D. Sections 2-4.3c., "Notice of job opening", and 2.4.3d., "Application forms", be and the same are hereby amended to read,

in full, as follows:

"c. Notice of Job Opening. Whenever a vacancy exists or a new position is created, a notice of the same will be posted in the Municipal Building, the Department of Public Works and Police Headquarters for at least one week prior to the deadline for receiving applications. All Township employees who believe they possess the necessary qualifications may apply for the position, if they so desire. Such applications should be by letter, addressed to the Township Administrator and filed before the deadline specified. Due consideration shall be given by the Department Head or Heads effected and by the Township Administrator of each requested transfer of an employee from one department to another, and the parties shall also consider the overall welfare of the Township in considering and making employee transfers. The Township at all times, however, reserves the right to reject any and all requests for such transfer and to publicly advertise for any vacant or new position.

d. Application Forms. Application forms for employment as approved by the Township Administrator may be obtained in the office of the Township Clerk and shall be completed by all persons applying for employment with the Township. The application form shall contain a release authorizing the Township to conduct appropriate background investigations, including an examination of the applicant's driving record, and the applicant shall be required to provide his or her driver's license number on the application form."

E. Section 2-4.3e. be and the same is hereby amended to read, in full, as follows:

"e. Consideration by department heads. As soon as practical after the final date specified for filing, all such applications received, including those from township employees, will be considered by the department head involved and the township administrator."

F. Section 2-4.3f. be and the same is hereby amended to delete the last sentence thereof and to substitute therefor the following:

"The Township Administrator will interview only those applicants who the Administrator, in his discretion, deems qualified for a position. The Township Committee shall make the final determination whether to appoint, engage or hire the applicant recommended by the township administrator, subject to a satisfactory medical examination in the case of public works, police department and recreation employees and any further investigation of references as deemed necessary by the township committee. The hiring of any other employee shall be subject to a satisfactory medical examination when deemed necessary or appropriate by the township administrator or the township committee."

G. Section 2-4.3. and the same is hereby amended by the deletion therefrom of subsections 2-4.3h., "Basis for appointment", 2-4.3i., "Physical examination", 2-4.3j., "Probationary service", and the substitution therefor of the following:

"h. Basis for appointment. Appointments to township employment shall be made on the basis of information contained in the application for employment and such other information as may be obtained in the personal interview or employment investigation process. Any misstatement or withholding of pertinent information by the applicant will be considered as sufficient cause for immediate separation from the service of the township.

i. Probationary service. Except where statutory requirements direct otherwise, all new employees, except police officers, shall serve a period of probation of a minimum of 90 days. Police officers shall serve a minimum one year probationary period. All full time employees, including police officers, shall be entitled to insurance and other personnel

benefits commencing on the first day of the month following the first 30 days of employment."

H. Section 2-4.3k. be and the same is hereby amended to read, in full, as follows:

"j. Personal history file. The department of personnel will check all papers and records for completeness and establish a personnel file for each and every employee of the township."

I. The designations of subsections 2-4.3l., 2-4.3m., and 2-4.3n., shall be amended to read 2-4.3k., 2-4.3l. and 2-4.3m., respectively.

J. Subsection 2-4.3o., "Water distribution and treatment supervisor", be and the same is hereby repealed.

K.1. Section 2-4.4, "Working Time and Attendance on Job.", subsection 2-4.4c.3., "Public Works", shall be and is hereby amended and supplemented to read, in full, as follows:

"3. Public Works. Eight and one-half hours daily including a one-half hour lunch period from Monday through Friday for a 40-hour week. Hours of work shall be 8:00 a.m. to 4:30 p.m., except during the summer season when the hours of work shall be 7:00 a.m. to 3:30 p.m."

K.2. Section 2-4.4, "Working Time and Attendance on Job.", shall be and is hereby amended and supplemented to add thereto the following subsection 2-4.4c.4.:

"4. Lunch Hours. The lunch hour of an employee shall be determined by the workload of the department and shall be subject to the approval by the Department Head."

K.3. Section 2-4.4, "Working Time and Attendance on Job.",

subsection 2-4.4d., "Overtime", be and the same is hereby amended and supplemented to read, in full, as follows:

"d. Overtime.

1. Overtime should be minimized, but when the Township service requires it, payment for such overtime shall be one and one-half times the regular hourly rate for all Township employees, except for elected office holders, the Township Administrator, Department Heads and the Chief of Police. Overtime for members of the Police Department shall be governed by collective bargaining agreements.

2. Payment for overtime will be made only when an employee exceeds eight hours of work in any given day, exclusive of lunch periods, or an employee exceeds forty hours of work in any given work week, exclusive of lunch. The work week shall begin at 8:30 a.m. on Monday and shall terminate at 4:30 p.m. on the following Friday."

K.4. Section 2-4.4, "Working Time and Attendance on Job.", be and the same is hereby further amended and supplemented by the addition thereto of the following subsections:

"f. Inclement Weather. The Township Administrator shall have the responsibility to close the Municipal Building on days when, in his opinion, inclement weather has become a safety hazard for employees of the Township. Should the Municipal Building be closed for any day or part thereof, such closing shall not entitle any employee on approved leave to any additional leave time due to the closing of the Municipal Building.

g. Dress and Appearance. All Township Employees shall report for work each day dressed in a neat and clean manner or, if applicable, in proper uniform. The wearing of

shorts or blue jeans by any Township employee while on duty shall not be permitted.

h. Employees Serving as Volunteers. Employees who serve as volunteer members of a Township First Aid Squad or a Township Fire Company shall be permitted to leave the work site in the event of a bona fide emergency, after notifying and receiving approval from the Department Head.

i. Substance Abuse Policy. The Township will endeavor to assist an employee with a drug or alcohol abuse problem in locating and obtaining any necessary medical, psychological or other assistance to eliminate substance abuse through the use of the Wall Youth Center, which shall serve as the Township's in-house treatment agency. However, due to the Township's obligation to serve the public and the frequent contact by Township employees with members of the public, such assistance will be provided to an employee on the first occasion when a substance abuse problem is manifested. Any reoccurrence of the substance abuse problem during the course of employment will result in termination of the employee.

j. Assignment of Work. The Township reserves to itself all usual, customary, necessary and appropriate management rights including, without limitation, the right to assign employees to work duties as the Township Administrator determines from time to time is necessary for the proper and efficient operation of the Township. The Township Administrator shall provide to each Department Head job descriptions for each of the employees in each department of the Township, with the exception of uniformed officers in the Police Department."

L. Subsection 2-4.4e., "Compensatory Time", shall be amended and supplemented by the addition thereto of the following subparagraphs:

"5. All compensatory time shall be utilized in the year in which it is earned, and shall not be carried over from year to year.

6. Compensatory time shall be calculated on the basis of hours actually worked in excess of a forty hour work week, excluding lunch periods."

M. Section 2-4.5b. shall be and is hereby amended to read, in full, as follows:

"b. Whenever an employee has a grievance, he should first present it verbally to his immediate supervisor or Department Head. In the event said grievance cannot be solved by the immediate supervisor or Department Head, the employee shall present his or her grievance in writing to his or her immediate supervisor and the grievance shall be promptly referred through the levels of authority necessary to resolve the grievance, with the Township Administrator responsible for making the final determination with respect to any employee grievance. The determination of the Township Administrator may be appealed as provided by law."

N. Section 2-4.6a. be and the same is hereby amended to read, in full, as follows:

"a. Recording absences. Absences from duty shall be classified as "sick leave", "vacation leave", "personal leave", "bereavement leave", "leave without pay", or "other" and are to be so noted on the daily time reports. The reason for each absence listed on the time report as "other" will be noted thereon, with a statement as to whether or not the absence was approved by the department head."

O. Sections 2-4.6b. and 2-4.6c. be and the same are hereby amended to delete all references therein to the "township clerk" and the "committeeman in charge" and to substitute therefor the "township administrator".

P.1. Subsections 2-4.6d.5. and 2-4.6d.6. be and the same are hereby deleted and the following substituted therefore.

"5. During the calendar year in which the fifteenth anniversary of his employment occurs and thereafter, each employee hired before January 1, 1991 shall be entitled to take 25 working days vacation.

6. During the calendar year in which the twentieth anniversary date of his employment occurs and thereafter, each employee hired before January 1, 1991 shall be entitled to take 30 working days vacation."

P.2. Subsections 2-4.6d.8 and 2-4.6d.9 be and the same are hereby deleted and the following substituted therefor:

"8. Each employee must take his authorized annual vacation during each calendar year and shall not be permitted to accumulate the same from year to year, except that the Township administrator, in his discretion, may permit the carry-over of vacation time into the first month of the following year. Compensation in lieu of unused vacation time will not be allowed. Each employee shall submit a written request to the department head and each department head shall submit a written request to the township administrator for approval of the specific dates for the employee's annual vacation.

9. Pre-payment of vacation pay may be made to employees during the week preceding vacation, provided that written request therefor, signed by the department head, is received by the personnel department at least two weeks prior to the date the check is to be issued."

Q. Section 2-4.6., "Absences", subsection 2-4.6d, be and the same is hereby amended and supplemented by the addition thereto of the following subsection:

"10. When an employee is absent, for any reason, in excess of six (6) consecutive months, the employee's township employment may be terminated by the township committee and, in such event, all benefits and other entitlements of township employment shall

cease."

R. Section 2-4.6e., "Holidays.", subsection 1., be and the same is hereby amended and supplemented to read, in full, as follows:

"1. The official holidays for all township employees, except police department personnel, shall be:

- New Year's Day
- Birthday of Martin Luther King, Jr.
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The day after Thanksgiving
- Christmas Day
- One additional holiday to coincide with each individual employee's birthday."

S. Section 2-4.6f.1. pertaining to sick leave shall be and is hereby amended to read, in full, as follows:

"1. Sick leave with pay shall be credited each permanent full-time employee on the basis of one day per month of continuous service, with no maximum limit, and commencing from January 1, 1969, or date of employment, whichever is later. Under separation in good standing from service, each permanent full-time employee shall be entitled to one-half day's pay, at the rate of pay in effect at the time of separation, for each full day of unused accumulated sick leave up to a maximum of 120 days accumulated sick leave; provided, however, that the monetary compensation to be paid for unused accumulated sick leave shall not exceed \$7,500.00 per employee. The accumulation of sick leave shall be subject to the provisions of subsection 2-4.6d.11 hereof."

T. Section 2-4.6f.3. shall be amended to revise the first

phrase thereof, which shall read as follows: "When the absence on account of illness or disability does not exceed two days,".

U. Section 2-4.6f.5. shall be amended to delete the reference contained therein to the "township clerk" and to substitute therefor the "personnel coordinator".

V. Section 2-4.6g., "Maternity leave.", shall be and is hereby amended and supplemented to read, in full, as follows:

"g. Family leave. In the case of an employee with a newly born or adopted child or a seriously ill family member, family leave may be granted pursuant to the provisions of the Family Leave Act, N.J.S.A. 34:11B-1 et seq. Maternity leave without pay may also be granted to township employees during a term of pregnancy, subject to the approval of the township committee."

W.1. Subsections 2-4.6i. and 2-4.6j. be and the same are hereby amended to read, in full, as follows:

"i. Bereavement. In the event of a death in the immediate family of an employee (spouse, children, parents, brothers, sisters, grandparents, spouse's parents or grandparents of spouse), the township will grant a three day leave of absence with pay to the employee. In the event of a death of any other relative, the township will grant a one day leave of absence with pay to the employee. If the funeral of the relative is to be held outside of the State of New Jersey, an additional two days travel time may be granted upon receiving prior approval for the same from the department head. Each request for additional travel time shall be decided on its own merits and circumstances, and shall not set a precedent.

j. Personal Days. All township employees, except police department personnel, shall be entitled to take up to four days off per year with pay so as to conduct those personal matters which can only be conducted on regular

business days. The election of days to be taken shall be subject to advance approval by the employee's Department Head. Personal days shall not be accumulated from year to year."

W.2. Section 2-4.6, "Absences.", be and the same is hereby further amended and supplemented by the addition thereto of the following subsections:

"k. Military Leave. Any Township employee who is a member of the National Guard or a reserve unit of a military service of the United States shall be entitled to military leave without pay during any mandatory training period or period of active military service which the employee may be required to perform by order of the service or unit of which he or she is a member.

l. Medical Leave. Whenever an employee is unable, due to a medical disability, certified in writing to the Township Administrator by a physician licensed to practice in the State of New Jersey, to perform all of the duties and responsibilities of his or her Township employment, the employee shall be eligible for medical leave without pay for a period not to exceed six (6) months.

m. Effect and Length of Unpaid Leaves of Absence. During an unpaid leave of absence, an employee will not accumulate any leave, vacation time or other entitlements dependent upon length of service. If the absence of an employee on medical leave exceeds six (6) months or the absence of an employee on family leave exceeds three (3) months, the employee's position with the Township shall be deemed to be vacant and the employee's service with the Township terminated."

X. Section 2-4.7, "Separation of Employees", be and the same is hereby amended and supplemented to read, in full, as follows:

"2-4.7 Separation of Employees. The following regulations shall apply to the separation of employee-employer relations between employees

of the Township and the Township as employer:

a. Separation from the service of the Township may result from voluntary resignation of the employee, regular or disability retirement of the employee, the death of an employee, or the termination of the employee's services for cause by the Township Administrator.

b. Upon receipt of a written resignation from an employee received by the Department Head with a copy to the Township Administrator, at least two (2) weeks prior to the resignation date, the employee shall be entitled to receive his or her regular pay through date of termination, together with accumulated vacation leave, longevity pay on a pro rata basis, and accumulated sick leave if the employee has been employed by the Township for a minimum of five (5) years.

c. In the case of separation from Township service by reason of retirement, if written notice of the employee's intention to retire is received by the Department Head with a copy to the Township Administrator at least thirty (30) days prior to the effective date of retirement, the employee shall be entitled to receive pay for accumulated vacation leave, longevity pay, and accumulated sick leave, subject to the applicable provisions of this chapter.

d. In the case of the death of an employee, the employee's surviving beneficiary shall be entitled to receive compensation for the employee's accumulated vacation, pro rated longevity pay and accumulated sick leave without regard to the employee's length of service.

e. In the case of an employee who is terminated for cause, the Township reserves the right to deny the employee payment for accumulated vacation or sick leave or longevity pay, subject to the determination of the Township Administrator."

Y. Subsection 2-4.7c., pertaining to the separation of employees, be and the same is hereby amended and supplemented to read, in full, as follows:

"c. An employee who resigns shall tender his resignation in writing, at least two weeks prior to the requested effective date of the resignation, in order to provide sufficient time for appointing a successor. If at least two weeks prior notice is not given to the township, the township reserves the right to deny the payment of accumulated leave or other benefits to the employee."

Z. Subsection 2-4.8., "Training, Promotions and Transfers.", pertaining to inservice training courses, be and the same is hereby amended to read, in full, as follows:

"Inservice Training Courses. It is the policy of the Township to encourage employees, whenever possible, to raise their level of competency in the performance of their duties and responsibilities, and to pursue additional education that is designed to enhance job performance. Employees shall submit a written request to the Department Head for authorization to attend any training or educational seminar designed to enhance their abilities within the field of their employment, and may attend such programs if recommended by the Department Head and approved by the Township Administrator. Such requests will be approved whenever possible, subject to the demands of the workload of the employee and the department. The Township Committee may, in its discretion, authorize the Township Administrator to approve

reimbursement of the employee's necessary fees for such training, upon receipt of a satisfactory record of completion of the course, seminar or program."

AA. Subsection 2-4.8c. pertaining to transfers within township be and the same is hereby amended and supplemented to read, in full, as follows:

"c. Transfers within Township. Transfers from one position or department to another will be made when it would be advantageous to the township and/or the employee to make such a transfer. In the department of public works, however, only those employees classified as maintenance person level three, four or five shall be eligible for transfer. The township reserves the right, however, to publicly advertise for any open position within the township."

BB.1. Subsection 2-4.8f. be and the same is hereby amended to read in full as follows:

"f. Criteria for promotions or merit increases. Promotions from within the ranks and merit increases in salary shall be based upon merit, character, qualifications, and work habits as determined by an impartial review of all available facts by the township administrator. Each department head shall at least annually prepare a written evaluation of each employee in his or her department on a form to be provided by the township administrator. The township administrator shall at least annually prepare a written evaluation of each department head. Such written evaluations shall be maintained in the personal history files of all township employees."

BB.2. Subsection 2-4.8g., pertaining to recommendations for promotions and transfers be and the same is hereby amended to delete the references contained therein to the "committeeman in

charge" and the "township committee" and to substitute therefor the "township administrator".

CC. Subsections 2-4.8j., "Education incentive pay", 2-4.8k., "Additional requirements", and 2-4.8l., "Promotion to next pay grade." be and the same are hereby deleted.

DD.1. Section 2-4.8, "Training, Promotions and Transfers", be and the same is hereby amended and supplemented by the addition thereto of the following subsection:

"j. Promotion to next pay grade. Employees in the department of public works and patrolmen in the police department will be eligible for consideration for promotion to the next grade level upon completion of one full year in their current grade. Promotions in grade shall be based upon merit after written evaluation and recommendation of the department head and approved by the township committee and shall be subject to the provision of adequate funds in the annual budget to compensate such employees at the higher rate of pay."

DD.2. Section 2-4.9, "Disciplinary Action.", shall be and is hereby further amended and supplemented by the addition thereto of the following subsection:

"i. Termination of Employment for Cause. In determining to order separation from service, pursuant to Subsection 2-4.9b.6., the Township Administrator shall consider the seriousness of the offense, the employee's work history, the best interests of the Township and the public and such other matters as the Administrator may in his discretion deem appropriate and relevant. The following actions by an employee are, by way of example, and not by way of limitation, matters which shall justify the termination from the service of the Township for cause:

1. Insubordination, including discourteous remarks to a superior or a subordinate.

2. The theft of Township owned equipment or public funds, or the theft of personal property or money belonging to another Township employee.

3. The unauthorized use of Township owned equipment or property.

4. An employee's arrest on criminal charges involving alcohol, illegal drugs or an act of violence, and in such event, an employee shall be automatically suspended without pay pending a resolution of such criminal charges.

5. The revocation of an employee's drivers license, which occurrence will constitute grounds for automatic termination for an employee in the Department of Public Works.

6. The misuse or abuse of Township owned equipment or property.

7. Verbal or physical abuse to the public or to another Township employee.

8. Reporting for duty in an impaired condition due to the use or abuse of alcohol or drugs.

9. Leaving a job site or duty station without the explicit authorization of the employee's supervisor or Department Head.

10. Failure by the employee to carry out his duties or work as assigned.

11. Failure to report to work on time and prepared for duty.

12. Failure to be properly attired upon reporting for work.

13. Failure to fully and accurately

disclose all information requested on the employee's application for employment pertaining to an applicant's criminal history, driving record or health problems."

EE. Section 2-4.10., "Administrative Procedures and Records.", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented to read, in full, as follows:

"2-4.10 Administrative Procedures and Records. The following regulations relative to administrative procedures and records are hereby adopted.

a. Township committee's right to modify policies. The township committee reserves the right to add, change, to interpret, or to eliminate personnel policies, practices and rules, whenever it appears to be in the best interest of the township to do so; but only in exceptional instances and not as a general practice.

b. Amendments to personnel policies. All changes, additions or deletions will be made by means of amendments of this chapter, copies of which will be posted and published in accordance with law. The township will endeavor to provide specific notice of all such changes to each employee, however, it is the responsibility of each employee to be aware of all ordinance amendments pertaining to personnel policies.

c. Maintenance of personal history files. Personal history files are confidential records and will be maintained in the personnel department, except for files pertaining to police department personnel, which will be maintained in police headquarters.

d. Access to personal history files. Access

to personal history files will be restricted to the township committee, township administrator and, when necessary, the township attorney. Any employee may examine, at reasonable times in the personnel office, his own personal history file. Nothing contained in the personal history file shall be removed therefrom by any individual."

FF.1. Subsection 2-4.11e. be and the same is hereby amended to read, in full, as follows: "e. All information regarding the retirement plan may be obtained from the personnel department."

FF.2. Section 2-4.11, "Retirement.", be and the same is hereby further amended and supplemented by the addition thereto of the following subsection:

"f. Any Township employee who desires to retire under either the public employee's retirement system or the police and fireman's retirement system shall provide at least thirty (30) days advance written notice to the Township of the intention to apply for such retirement."

GG. Section 2-4.12, "Insurance", be and the same is hereby amended by the deletion therefrom of the title, "Insurance", and the substitution therefor of the title, "Insurance and Other Benefits"; and by the deletion of subsection 2-4.12a., "Life insurance"; and by the change in designation of subsection "b. Disability Insurance" to read "a. Disability Insurance."

HH. Subsection 2-4.12c., pertaining to hospitalization insurance, be and the same is hereby amended to read, in full, as follows:

"b. Hospitalization insurance.

1. Each full-time permanent employee shall be enrolled in a family hospitalization

plan including hospital, surgery, major medical or other coverages as may be determined from time to time by the township committee, which shall be maintained and paid for on either a non-contributory or contributory basis, as may be determined by the township committee.

2. Except as hereinafter provided in paragraphs 3, 4, and 5, this benefit shall terminate upon the employee's separation from service. At that time, the employee may make his own arrangements with the insurance company for the continuation or conversion of the insurance at his own expense. An employee that receives retirement disability from the Public Employment Retirement System and who has at least 15 years of service with the township shall be entitled to continue to be enrolled in the Family Hospitalization Insurance Plan provided to township employees pursuant to subparagraph 1 hereof, under the same terms and conditions as provided to active township employees.

3. Each full-time permanent employee who is not covered by a collective bargaining agreement with the township and who has been covered under the Public Employee's Retirement System or the Police and Firemen's Retirement System of the State of New Jersey for at least 20 years and who has been employed by the township for at least 20 years in a full-time, permanent capacity shall be entitled to continue to be enrolled in the Family Hospitalization Insurance Plan provided to township employees pursuant to paragraph 1 hereof, and the township shall pay a portion of the costs thereof, which costs shall be no more than the cost to the township of such coverage for an active employee as of January 1, 1991; provided further, however, that the employee is separated from the township's service by reason of disability or retirement on or before July 1, 1991. In the case of such an employee who is separated from the township's service by reason of death, the employee's spouse and dependent children, if any, shall be eligible for this benefit.

4. Each full-time permanent employee who is not covered by a collective bargaining

agreement with the township and who has been covered under the Public Employee's Retirement System or the Police and Firemen's Retirement System of the State of New Jersey for at least 20 years and who has been employed by the township for at least 20 years in a full-time permanent capacity shall be entitled to continue to be enrolled in the Family Hospitalization Insurance Plan provided to township employees pursuant to paragraph 1 hereof, and the township shall pay a portion of the costs thereof, which costs shall be no more than the cost to the township of single insurance coverage for an active employee as of January 1, 1991; provided further, however, that the employee is separated from the township's service by reason of disability or retirement on or before January 1, 1993.

5. The enrollment provided for under paragraphs 3 and 4 above shall continue until such time as the retired or disabled employee or the spouse of a deceased employee becomes eligible for enrollment under the Federal Medicare Program or becomes employed in a full-time capacity, or in the event that the spouse of a deceased employee remarries, whichever event shall first occur. Notwithstanding anything to the contrary contained elsewhere herein, this benefit shall not apply to any township employee who separates from the Township's service after January 1, 1993, and further shall not apply to employees who are separated from the township's service by reason of death, which separation occurs on or after January 1, 1991."

II. Subsections 2-4.12d., 2-4.12e., and 2-4.12f., 2-4.12g., and 2-4.12h., be and the same are hereby deleted and the following substituted therefor:

"c. Insurance information. Additional information pertaining to township insurance plans may be obtained from the personnel department.

d. Other insurance coverages. Each full-time

permanent employee shall be enrolled in a family dental expense plan, a family prescription eyeglass expense plan, a family prescription drug expense plan and such other medical expense plans as may be determined by the township committee from time to time on either a non-contributory or contributory basis, as may be determined by the township committee.

e. For the purposes of this section, the term "full-time permanent employee" shall be deemed to include elected public officials. Insurance benefits for any such elected official shall terminate upon the expiration of the official's term of office. Insurance benefits for all other full-time permanent employees shall terminate upon the employee's separation from service, including a separation from service which occurs due to the employee's absence for any reason for a period in excess of 6 months, pursuant to subsection 2-4.6d.12. hereof.

f. Other Benefit Programs. Township employees shall also be eligible to participate in optional additional benefits which may from time to time be made available to township employees. Such optional benefit programs shall include by way of example, but not by way of limitation, a deferred compensation plan; membership in the MON-OC Credit Union, and participation in a contributory life insurance plan. Such additional benefits shall be optional and the cost thereof shall be borne by such employees as may decide to participate in any such program.

g. Travel Expense and Other Employee Policies. The township administrator is hereby authorized to establish written employee policies pertaining to such matters as procedures for the reimbursement of travel expenses by township employees on township business and such other personnel or administrative matters as the township administrator determines to be necessary for the proper functioning of township departments. Such policies shall be established by the township administrator,

forwarded to all department heads, and distributed to or posted for the information of all township employees.

h. Employee Option - Health Insurance. Commencing January 1, 1991, the township administrator is hereby authorized to institute a policy whereby a township employee who is covered by other medical insurance coverage may at the employee's option determine not to participate in any or all health insurance coverages offered by the township to its employees. Such a program may provide for the payment of additional compensation to the employee in consideration for the cost savings to the township resulting from the employee's decision not to participate in such insurance programs. Such additional compensation shall not exceed the sum of \$100.00 per month and this benefit program shall be subject to reasonable terms and conditions which shall be established in the discretion of the township administrator."

JJ. Subsection 2-4.13h. be and the same is hereby deleted and the following substituted therefor:

"h. Violation; hearing. The violation of any of the above provisions of this section shall be deemed sufficient reason for the dismissal or removal of any officer, employee or appointee of the township, upon a hearing to be held by the township administrator."

KK. Section 2-4.14, "Regulations Concerning the Department of Public Works.", be and the same is hereby deleted, and the following substituted therefor:

"2-4.14, Department of Personnel Within the Department of Finance.

a. Department Established. There is hereby established within the department of finance the department of personnel.

b. Purposes. The department of

personnel shall provide centralized record keeping for all personnel records, with the exception of the personal history files of uniformed members of the police department. The department of personnel shall also provide for the timely processing of benefit requests from township employees.

c. Responsibilities. The department of personnel shall be responsible for the preparation of the township's payroll on a bi-weekly basis, the centralized record keeping of all Township personnel records and the processing of all benefit requests and the handling of all benefit claims with the applicable insurance carrier.

d. Personnel Coordinator. The department of personnel shall be supervised by a personnel coordinator, who shall report to the chief financial officer. The personnel coordinator shall have at least five (5) years experience in a position of responsibility pertaining to personnel matters. The personnel coordinator shall have such other duties and responsibilities as may be assigned from time to time by the township administrator."

LL. Article 2-5, "Police Department.", Section 2-5.1 be and the same is hereby amended and supplemented to read, in full, as follows:

"1. Established. There is hereby created and established a police department of the township whose members shall be known as follows:

a. A chief of police, or superintendent of police, with not less than three year's experience

as a superior officer of a police department, and such other qualifications as may be prescribed by the township administrator.

b. Captain of police, with not less than one year's experience as a lieutenant of a police department, and such other qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary.

c. A lieutenant, with not less than one year's experience as sergeant of a police department, and such other qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary.

d. A sergeant, with not less than one year's experience as a corporal of a police department, and such other qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary.

e. A corporal, with not less than three year's experience as a member of a police department, and such other qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary.

f. A patrolman having such qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary. Patrolman may be assigned to either the patrol division or the detective division of the police department by the chief of police subject to the approval of the township administrator.

g. A temporary or probationary patrolman, who shall be a high

school graduate, and have such other qualifications as may be prescribed by the township administrator, the number to be appointed as may be necessary. The appointment of such police officers shall be made for a total period not exceeding one year for the purpose of enabling such person seeking permanent employment to take a police training course at the New Jersey Municipal Police Academy. Any appointment may be for a temporary period of less than one year in the discretion of the township committee. No person shall be given or accept a permanent appointment as a police officer unless such person has successfully completed the police training course at the New Jersey Municipal Police Academy, and has served as a police officer, as a probationary or temporary appointment, for a minimum period of six months after completion of the police training course. No person shall be permitted to take the police training course unless he holds a probationary or temporary appointment."

MM. Section 2-5.2, "Table of Organization", be and the same is hereby deleted and the following substituted therefor:

"2-5.2 Assignment of Personnel. Personnel shall be assigned to the respective divisions within the police department by the chief of police, subject to the approval of the township administrator."

NN. Section 2-6.1, "Rules and Regulations," shall be amended by the deletion therefrom of the reference contained therein to the "township committee" and the substitution therefor of the "township administrator".

00. Section 2-7, "FIRE DEPARTMENT; FIRST AID SQUAD.", be and the same is hereby deleted.

Section 3. Article 2-8, "Recreation Commission", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of Section 2-8, "Recreation Commission", in its entirety and the substitution therefor of the following:

"2-8 RECREATION ADVISORY COMMITTEE.

2-8.1 Abolishment of Recreation Commission. Effective October 1, 1990, the recreation commission of the township established on March 24, 1965 be and the same is hereby abolished. All rules and regulations previously adopted by the recreation commission governing parks, playgrounds and other recreation areas in the township be and the same are hereby ratified by the township committee and violation of any of the aforesaid rules and regulations shall be subject to the penalty provided in Chapter III, Section 3-1 of the revised township ordinances.

2-8.2 Establishment. There is hereby created and established the recreation advisory committee of the township.

2-8.3 Membership.

a. The Recreation Advisory Committee shall consist of seven residents of the township appointed by the Township Committee. Initial appointments to the recreation Advisory Committee shall be made as follows: two members shall be appointed for one year terms; two members shall be appointed for two year terms, and three members shall be appointed for three year terms. All subsequent appointments shall be made for terms of three years.

b. The terms of office of any member appointed prior to January 1, 1991 shall be deemed to commence on January 1, 1991.

c. A vacancy occurring on the committee otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. All members of the committee shall serve without compensation.

d. The mayor shall designate one of the members of the township committee to serve as the liaison between the recreation advisory committee and the township committee.

e. The director of recreation of the township shall serve as an ex-officio member of the recreation advisory committee.

2-8.4 Organization.

a. The committee shall conduct an organizational meeting and shall organize as set forth herein within thirty days of the date of the final adoption of this section. Thereafter, an annual organizational meeting shall be conducted during the first meeting of the committee in January of each year.

b. The committee shall elect a chairperson whose duty shall be to fix meeting dates, conduct the meetings, appoint subcommittees and arrange the activities and functions of the committees so that they may be accomplished in an orderly and productive fashion. The committee shall also elect a vice chairperson, whose duties are to assist the chairperson in the completion of his duties. The secretary to the Director of Recreation shall serve as the secretary of the committee. The secretary shall record the minutes of all meetings and shall receive and transmit all correspondence of the committee.

2-8.5 Removal of Members. The township committee shall have the discretion, upon recommendation from the recreation advisory committee or the director of recreation, to remove any members appointed to the committee who are not fulfilling their duties and responsibilities.

2-8.6 Duties. The duties of the recreation advisory committee shall be as follows:

- a. To recommend to the township committee, programs, improvements and activities which will benefit the township's recreational programs and recreation facilities.
- b. To bring matters of importance and concern regarding recreation to the attention of the recreation director and township committee.
- c. To provide a resource for members of the community, community groups, and recreation organizations to discuss areas of concern with respect to recreational programs and facilities.
- d. Recommend for adoption by the township committee suitable rules and regulations for the use of parks, playgrounds and recreational facilities and the conduct of all persons while on or using the same.
- e. To assist and collaborate with the recreation director in the director's duties and responsibilities.
- f. To perform such other functions as may be requested by the township administrator or township committee.

2-8.7 Assistance. The committee shall receive from all township officials, offices and departments such assistance as may be proper and reasonably necessary to aid the committee in the performance of its duties.

2-8.8 Funds. The recreation advisory committee may submit a budget request to the township administrator by November 1 of each year. The Township Committee may in each annual budget appropriate such sum as it may in its discretion determine to be necessary to accomplish the functions set forth herein and to

implement those recommendations which the committee, in its discretion, determines feasible and appropriate.

2-8.9 Records and Annual Reports. The committee shall keep records of its meetings and activities and shall make an annual report on or before December 1 of each year and submit the report to the township committee, which report shall be comprehensive in detail concerning the operations and activities of the committee during the proceeding year."

Section 4. Chapter II, "Administration" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of Article 2-9, "SHADE TREE COMMISSION." and the substitution therefor of the following:

"2-9 SHADE TREE COMMISSION

2-9.1 Abolition. The shade tree commission of the township established January 22, 1964 be and the same is hereby abolished, effective October 1, 1990. The functions and duties of the shade tree commission shall be assigned to the environmental advisory committee of the township pursuant to the provisions of Section 2-11.1 et seq. hereof."

Section 5. Chapter II, "Administration" of "The Revised General Ordinances of the Township of Wall, 1977" as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of Section 2-10, "INDUSTRIAL AND COMMERCIAL DEVELOPMENT COMMITTEE". Section 2-10 shall be reserved in the codified ordinances of the township.

Section 6. Chapter II, "Administration" of "The Revised

General Ordinances of the Township of Wall, 1977", as amended and supplemented, Section 2-11, "Environmental Advisory Committee.", be and the same is hereby further amended and supplemented by the following amendments to Section 2-11.1 et seq. pertaining to the environmental advisory committee:

a. Subsection 2-11.2a. shall be and is hereby amended to read, in full, as follows:

"a. The environmental advisory committee shall consist of nine members appointed by the township committee, all of whom shall be residents of the township. The terms of office of all members shall be three years and until the appointment and qualification of their successors."

b. Subsection 2-11.3f shall be and is hereby amended to read, in full, as follows:

"f. Rendering non-binding opinions with respect to any matter referred for review by the planning board or any application for development referred by the administrative officer within twenty days of such referral."

c. Subsection 2-11.3k be and the same is hereby amended and supplemented by the addition thereto of the following subparagraph:

"k. Rendering non-binding opinions with respect to any matter referred for review by the township administrator or the township committee, including any proposed sale or exchange of township owned property, within twenty days of such referral.

l. Recommending to the township committee the planting of shade and ornamental trees and shrubbery in

appropriate locations or recommending the removal of any tree or part thereof for reasons of public safety."

Section 7. Chapter II, "Administration" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, Section 2-13, "Payment of Salaries and Wages.", be and the same is hereby further amended and supplemented as follows:

a. All references contained in subsection 2-13.1 and 2-13.2 to the "treasurer" shall be amended to read the "chief financial officer".

b. The words "or the township clerk" contained in the first paragraph of subsection 2-13.2, be and the same are hereby deleted.

Section 8. Chapter II, "Administration" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the deletion therefrom of Section 2-16, "Cooperative Pricing and Purchasing Program.".

Section 2-16 shall be reserved in the codified ordinances of the Township.

Section 9. Chapter II, "Administration" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, Section 2-17, "Community Relations Committee.", be and the same is hereby further amended and supplemented by the deletion therefrom of subsection 2-17.5, "Township Committee to Appoint Representative.", and the substitution of the following:

"2-17.5 Township Committee to Appoint Representative.

"2-17.5 Township Committee to Appoint Representative. The mayor shall annually appoint a member of the township committee as the township committee's representative to the community relations committee. The township committee's representative shall not be a member of the committee, but shall act as liaison between the committee and the township committee and shall advise the community relations committee as necessary and appropriate."

Section 10. All Ordinances, or parts, thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 11. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 12. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on Oct. 10, 1990 and will be further considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on Nov. 14, 1990 at 8 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

**BEATRICE M. GASSNER, C.M.C.
Township Clerk**

Adopted 11/28/90